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Before the
Federal Communications Commission
Washington, D.C. 20554

JAN 27 1993

In the Matter of

Implementation of the
Cable Television Consumer
Protection and Competition
Act of 1992

Rate Regulation

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM Docket No. 92-266

**COMMENTS OF THE GREATER METRO CABLE CONSORTIUM IN RESPONSE TO
REQUEST FOR COMMENTS REGARDING RATE REGULATION**

The Greater Metro Cable Consortium¹ (GMCC) hereby submits these comments in response to the Federal Communications Commission Notice of Proposed Rulemaking in the docket captioned above.

Section 623 of the Cable Television Consumer Protection and Competition Act of 1992, permits a "franchising authority that seeks to exercise the regulatory jurisdiction" to certify in writing to the Federal Communications Commission that said franchising authority: (a) will adopt and administer rules consistent with the Commission's regulations; (b) has the legal authority to adopt and the personnel to administer, such regulations; and (c) will follow procedural laws and rules that provide interested parties an opportunity to express their views.

¹ The Greater Metro Cable Consortium members are: Adams County, Colorado; City of Arvada, Colorado; City of Aurora, Colorado; City of Boulder, Colorado; City of Castle Rock, Colorado; City of Cherry Hills Village, Colorado; City of Commerce City, Colorado; City and County of Denver, Colorado; Douglas County, Colorado; City of Englewood, Colorado; City of Golden, Colorado; City of Lakewood, Colorado; City of Littleton, Colorado; City of Sheridan, Colorado; City of Thornton, Colorado; and City of Westminster, Colorado.

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The Commission seeks comments on whether its tentative conclusion that a franchising authority need submit only a standardized and simple form for certification purposes is appropriate. It also asks if the Commission may require two or more communities served by the same cable system to jointly regulate a cable system as a condition of certification.

The Greater Metro Cable Consortium supports the Commission's conclusion that the franchise authority need only submit a standardized and simplified form for certification purposes. If, as the Commission tentatively concludes, the Federal Communications Communication may only regulate basic rates in jurisdictions where it has allowed or revoked a franchising authority's certification, then the franchising authority should be able to apply for said certification in as efficient matter as possible.

The Greater Metro Cable Consortium also wishes to address the question of whether the Commission may require two or more communities served by the same cable company to jointly regulate a cable system as a condition of certification. Rather than make such an action a requirement, the Greater Metro Cable Consortium respectfully requests that joint rate regulation between two communities served by the same cable system be an alternative. In some cases when the sizes of the communities are radically different, such a joint regulation might be an extra burden on the smaller community. Who would be responsible for providing the personnel required? Also, what if one community is refused

certification or chooses not to be certified? Does that mean the other community would also be refused certification? Also, what if, as is the case of the geographical location of the Greater Metro Cable Consortium, there are more than two communities that are served by the same cable system? Should they all be required to jointly regulate rates? Because rate regulation is generally considered legislative in nature, the proposed rules could require one legislative body, i.e., city council, to relinquish its authority to another legislative body in possible violation of state law. The Greater Metro Cable Consortium believes allowing the neighboring communities to make their own decision whether to jointly regulate rates will cause no hardship upon the Commission and greatly increase better relations between the communities.

The Greater Metro Cable Consortium further asks that the definition of "basic cable service" be changed to reflect the definition in Senate Bill 12, passed by the Senate on January 31, 1992. Section 623 (b)(1) of that bill states that "if fewer than 30 percent of all customers to that cable system subscribe only to basic cable service, the Commission also shall ensure that rates are reasonable for the lowest-priced tier of service subscribed to by at least 30 percent of the cable system's customers." Because very few cable subscribers take only the basic tier to receive only local broadcast signals and PEG channels, the Greater Metro Cable Commission feels that regulation of that tier provides very little protection to the public.

CONCLUSION

For the foregoing reasons, the Federal Communications Commission should revise the definition of basic cable service to include that lowest tier to which at least thirty percent of cable customers in a community subscribe; allow franchise jurisdictions to submit a standardized and simple form for certification purpose; and the Commission should allow neighboring communities to decide for themselves whether or not they want to jointly regulate basic cable rates.

Respectfully Submitted,

Greater Metro Cable Consortium

By 

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January 26, 1993